

Chapter 1: Plan Overview

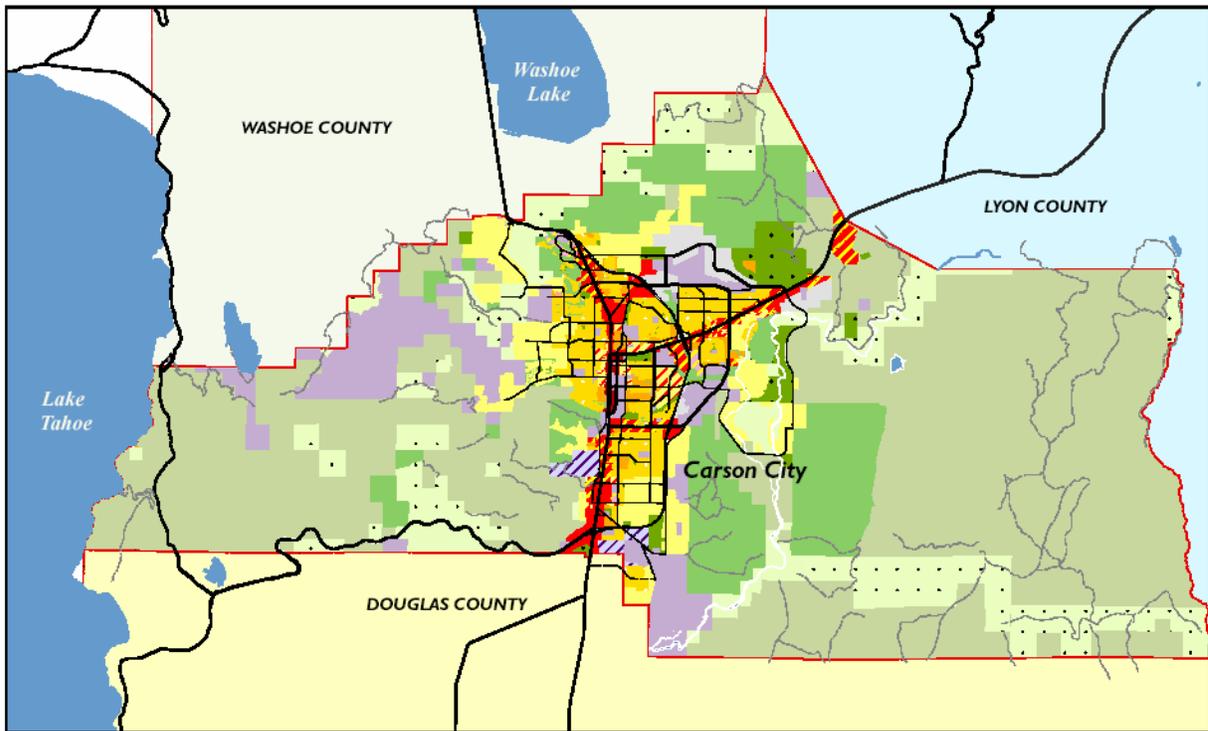
MASTER PLAN BASICS

This Master Plan is an officially adopted advisory document that outlines Carson City's vision and goals for the future and provides guidance for elected and appointed officials in making choices regarding the long-range needs of the community. The written goals and guiding principles, policies, and recommended actions, in combination with the Land Use Map, provide guidance for decisions affecting growth, the use and development of land, preservation of open space and the expansion of public facilities and services. The Master Plan consists of both written policy recommendations and maps, which should be used together when making decisions. It is also recognized that this document should be reviewed annually at a public hearing and revised as needed to reflect the availability of new implementation tools, changes in State and Federal law, changes in funding sources, the results of monitoring the effectiveness of existing policies and the impacts of past decisions, as well to reflect changes in the community's vision for the future.

WHAT IS A COMPREHENSIVE MASTER PLAN?

A Comprehensive Master Plan is a blueprint that provides guidance on where and how the community will grow in the next 20 years. Master Plans typically consist of maps, policy statements, and goals and objectives addressing a number of issues relating to growth, housing, economic development, transportation, environment, parks, recreation, pathways, open space, aesthetics, community character, and historic preservation and conservation.

The primary emphasis of the document is to provide long-range guidance to property owners, citizens, and decision makers on land use issues, such as where residential, commercial and industrial development should occur in the future, and at what densities.



Planning Context

PLANNING AREA

Carson City is a combined city/county municipality and encompasses 146 square miles. Less than ten percent of the City's total land area is currently developed primarily within the Eagle Valley, as nearly seventy-five percent of it is held by the U.S. Forest Service, the Bureau of Land Management, and the State of Nevada. These publicly-owned lands cover over 97 square miles and surround the urbanized area on three sides. The City is adjacent to Washoe County on the north, Douglas County on the south, Lyon County on the east, and the eastern shore of Lake Tahoe along the City's western edge. The westerly portion of the City within the Lake Tahoe basin is also within the jurisdiction of the Tahoe Regional Planning Agency (TRPA).

WHY UPDATE THE MASTER PLAN?

The most recent Master Plan for Carson City was adopted in 1996. Since then, there have been many changes in the community that affect its direction for the future. Several objectives guided the development of this Master Plan. These objectives are outlined below and are addressed throughout the Master Plan document that follows this chapter.

Confirm the community's vision for the future.

Most communities revisit and update their comprehensive plan every five to seven years to ensure that it continues to meet the community's vision and goals for the future. The first Carson City Master Plan was adopted in 1958. Since then, Master Plan updates have been adopted in 1977, 1978, 1983, and 1996.

Establish a more unified policy direction for the community.

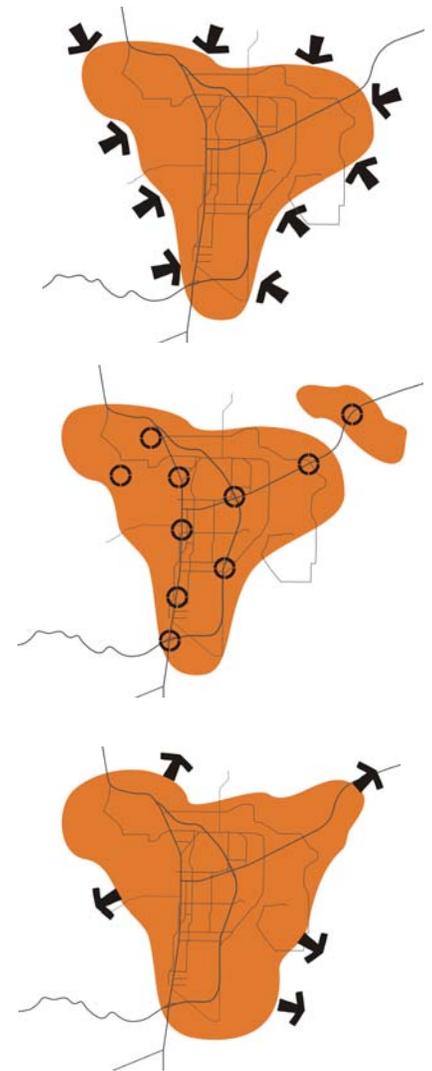
Prior to this update, the City did not have a "comprehensive" Master Plan that incorporated the various Master Plan Elements—adopted at different times over the years—into one policy document, making it a challenge to understand and use. This Master Plan provides the community with a single, user-friendly document that serves as a source of information and as a policy guide to direct future growth within the City.

Determine where and how the community should grow in the future.

Growth in recent years had left Carson City with limited land to accommodate future development—forcing the community to make tough decisions about where and how the City should grow. As part of the planning process, the community's options for future growth were tested in the form of the three scenarios outlined below:

- **Scenario 1: Compact Urban Growth**—Under Scenario 1, it was assumed that a significant portion of future growth would be focused inward to vacant or underutilized areas within the City's existing "footprint". New development at the urban fringe would be minimized and public lands surrounding the City would remain largely intact, preserving hillsides and major community gateways.
- **Scenario 2: Mixed-Use Activity Centers**—Scenario 2 assumed that a significant amount of future development within the City would occur within strategically located activity centers containing a more diverse mix of land uses than is currently found in the City's developed areas.
- **Scenario 3: Urban Expansion**—Scenario 3 assumed that the City's existing land use types, densities, and basic development patterns would continue to expand in a manner similar to what existed within the community today. Most new development would occur on vacant lands at the periphery of the urbanized area and publicly-owned lands suitable for urban development would be released to accommodate additional expansion.

Based on community feedback, the goals and policies contained in this Master Plan represent a combination of Scenarios 1 & 2, above.



Three growth scenarios for Carson City were considered during the development of the Plan (from top to bottom): Compact Urban Growth; Mixed-Use Activity Centers; and Urban Expansion.

HOW ARE THE GOALS AND POLICIES OF THE MASTER PLAN IMPLEMENTED?

The Master Plan is a general policy document to guide the physical development of the City. However, the Master Plan does not have the force of law as a regulation or ordinance for the enforcement of its goals and policies. Zoning maps and ordinances must be adopted to create the regulations and enforcement authority to implement the Master Plan. An Action Plan is included in Chapter 9 of this Master Plan to provide a “roadmap” as to how the goals and policies should be implemented.

HOW DOES ZONING OF MY PROPERTY RELATE TO THE MASTER PLAN?

City zoning regulations consist of both a zoning map and a written ordinance that divides the City into zoning districts, including various residential, commercial, and industrial districts. The zoning regulations describe what type of land use and specific activities are permitted in each district, and also regulate how buildings, signs, parking, and other construction may be placed on a lot. The zoning regulations also provide procedures for re-zoning and other planning applications. The zoning map and zoning regulations provide the property “entitlements” to development, while the Master Plan provides a guide for the future development of the property. When changing the zoning of a particular property, it must be consistent with the Master Plan Land Use Map. That is to say, the Land Use Map contained in this Master Plan should guide future re-zoning decisions.

COMPLIANCE WITH NEVADA STATE STATUTES

This Master Plan has been prepared in response to Nevada Revised Statutes 278.150 through 278.170 which state that a Planning Commission and Board of Supervisors (or governing body) shall prepare and adopt a comprehensive, long-term general plan for the physical development of the City. According to these statutes, the plan is to be referred to as the Master Plan and is to be prepared so that the following elements may be adopted by the governing body, as appropriate:

- Community Design
- Conservation Plan (refer to: Open Space Plan, 1999)
- Economic Plan
- Historical Properties Preservation Plan (refer to: Carson City Historical/Archeological Properties Preservation Plan, 1996)

- Housing Plan (refer to Appendix D: Affordable Housing Plan)
- Land Use Plan
- Population Plan
- Public Buildings
- Public Services and Facilities
- Recreation Plan (refer to: Parks and Recreation Master Plan, 2006)
- Rural Neighborhoods Preservation Plan
- Safety Plan
- School Facilities Plan
- Seismic Safety Plan
- Solid Waste Disposal Plan (refer to: Wastewater Collection System Master Plan, 2006; Stormwater Master Plan, 2005)
- Streets and Highways Plan (refer to: Carson Area Transportation Plan, 2004)
- Transit Plan (refer to: Carson Area Transportation Plan, 2004)
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The extent to which each of the elements listed above is addressed by this Master Plan varies according to their direct relevance to Carson City. Where elements have been addressed by separate plans, reference to the appropriate document has been provided. This plan replaces the City's 1996 Master Plan, including the Land Use Element and Housing Element, and shall be used as a guide in conjunction with other elements or to update other Master Plan elements as appropriate.

The Statutes also indicate how the Master Plan is to be adopted. In the preparation of the Master Plan and in the subsequent public hearings, the Nevada Revised Statutes were followed.

CONSISTENCY BETWEEN THE MASTER PLAN AND ZONING

Master plans are advisory in nature, serving to guide the community at a policy level and to guide future development decisions. In many instances, land use category designations on a Land Use Map may not directly correspond to a property's underlying zoning. Unless a community chooses to pro-actively re-zone properties that are not consistent with the Land Use Map, the property owner will be required to request re-zoning of the property as part of the development process to bring it into compliance with the master plan.

The zoning of a property provides that "entitlements" to development (i.e. what uses are permitted and at what densities). There is no requirement in

Nevada State law requiring that the zoning of properties be brought into compliance with the Master Plan.

Underlying zoning was reviewed and considered throughout the development of this Master Plan to ensure that consistency between planned land uses and zoning could be maintained to the maximum extent feasible. In some instances, land use designations do differ, however, as was necessary to meet the broader objectives of the Master Plan. Re-zoning may be required should the properties develop or redevelop in the future. It should be noted that in many of the cases where inconsistencies do exist, planned land use categories (e.g., mixed-use land use designations) and zoning that would subsequently be required, would allow a much broader range of uses than are allowed today.

PLANNING AND PROPERTY RIGHTS

The Fifth Amendment to the United States Constitution generally states that private property must not be taken for public use without just compensation. Simply defined, a taking occurs when a public agency either condemns property to build public projects (also referred to as eminent domain) or physically occupies or damages property. In the case of a government regulatory action (such as zoning), a “regulatory taking” is considered to be an action that so interferes with the use of private property that it has the same effect as a physical appropriation. In most cases, the test of whether an action is a taking is whether the regulation denies an owner of all economically viable use of the property. It is important to note that the courts have been very clear on this last issue; a taking does not occur simply because a regulatory action may impose limits on the use of property. The Takings Clause is often misconstrued as a prohibition against any regulation that either decreases property value or prohibits individuals from “doing what they want with their land.” A loss of potential market value is not enough to trigger a takings claim.

When considering regulatory actions, city elected and appointed officials may want to consider the following guidelines to determine whether a proposed action may be found to be a “taking.” In all cases, the city attorney or other appropriate legal counsel should be sought when there are concerns about a potential takings claim.

1) Does the regulation or action result in a permanent or temporary physical occupation of private property?

Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking.”

2) *Does the regulation or action require a property owner to dedicate a portion of property or to grant an easement?*

Project-specific dedications of land or easements that are individually bargained for between a public agency and a developer may become a taking when the purpose of the dedication is not sufficiently related to the project being developed (the "nexus" requirement) and the total cost or amount of the condition is not proportional to the impact of the project (the "rough proportionality" requirement). The dedication of property must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development.

3) *Does the regulation deprive the owner of all economically viable uses of the property?*

If a regulation prohibits all economically viable or beneficial uses of the land, it may constitute a "taking." In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other pre-existing limitations on the use of the property.

Unlike one and two above, it is important to analyze the regulation's impact on the property as a whole, and not just the impact on a portion of the property. It is also important to assess whether there is any economically viable use of the remaining property available. The remaining use does not have to be the owner's planned use, a prior use, or the highest and best use of the property.

4) *Does the regulation substantially advance a legitimate governmental purpose?*

A regulation may go too far and may result in a takings claim where it does not substantially advance a legitimate governmental purpose.

PLAN ORGANIZATION

The Master Plan is organized around five broad themes, which serve as a framework for the implementation of the community's vision and the related guiding principles, goals, and policies contained in each chapter. In addition to this introductory chapter, the Plan is comprised of the following:

- **Chapter 2: Vision, Themes, and Guiding Principles**—contains a statement of the community's Vision for the future, along with an overview of the broad themes and guiding principles which serve as a framework for the rest of the Plan.
- **Chapter 3: A Balanced Land Use Pattern**—contains goals and broad policy statements pertaining to the community's desire for a balanced land use pattern, a definition of land use categories

contained in the Plan, the Land Use Plan map, and detailed land use policies.

- **Chapter 4: Equitable Distribution of Recreational Opportunities**—contains goals and policy statements to reflect the broad objectives of the City’s related Parks and Recreation and Open Space Master Plans and their role in the City’s land use policy decisions.
- **Chapter 5: Economic Vitality**—contains goals and policy statements pertaining to the City’s commitment to a variety of economic development tools.
- **Chapter 6: Livable Neighborhoods & Activity Centers**—contains goals and policy statements pertaining to housing and neighborhood issues, historic preservation, and the creation of a series of mixed-use activity centers to serve the community.
- **Chapter 7: A Connected City**— contains goals and policy statements to reflect the broad objectives of the City’s related Transportation, Transit, and Unified Pathways Master Plans and their role in the City’s land use policy decisions.
- **Chapter 8: Specific Plan Areas**—contains specific policies pertaining to the four Specific Plan Areas identified on the Land Use Plan, including the: Schulz Ranch (SR-SPA); Brown Street (BS-SPA); Lompa Ranch (LR-SPA); and Eastern Portal—Virginia & Truckee Railroad Gateway (V&T-SPA) Specific Plan Areas.
- **Chapter 9: Action Plan**—contains a discussion of recommended priority actions to be taken to implement the Plan, as well as an Action Plan Matrix that summarizes policies by chapter and assigns the priority and timing of the actions so the appropriate resources may be allocated.
- **Appendix A: Related Plans & Implementation Documents**—contains a summary of related policy plans and implementation documents that may need to be consulted for reference or more detailed information in some instances.
- **Appendix B: Background and Context**—contains “snapshots” of relevant background data used to develop the Plan, including the following subject areas: Land Use, Housing, Transportation, Parks, Recreation, Pathways, Economy, Schools, Infrastructure and Services, Population, and Open Space. Also includes inventory maps and a Capacity Analysis that served as the basis for the development of alternative land use scenarios.
- **Appendix C: Interim Mixed-Use Evaluation Criteria**—contains a checklist of Interim Mixed-Use Evaluation Criteria to be used in reviewing mixed-use development projects proposed in areas designated for Mixed-Use Commercial (MUC), Mixed-Use Residential Neighborhood (MURN), and Mixed-Use Employment (MUE) on the Land Use Plan.

- *Appendix D: Housing Plan (Background Data)*—contains background data and supporting information used to develop housing policies contained in Chapter 6.